

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 35250

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| STATE OF IDAHO, |) | 2009 Unpublished Opinion No. 392 |
| |) | |
| Plaintiff-Respondent, |) | Filed: March 20, 2009 |
| |) | |
| v. |) | Stephen W. Kenyon, Clerk |
| |) | |
| APRIL COGSWELL, |) | THIS IS AN UNPUBLISHED |
| |) | OPINION AND SHALL NOT |
| Defendant-Appellant. |) | BE CITED AS AUTHORITY |
| |) | |

Appeal from the District Court of the Fifth Judicial District, State of Idaho, Twin Falls County. Hon. G. Richard Bevan, District Judge.

Order revoking probation and ordering into execution previously imposed sentence, affirmed.

Molly J. Huskey, State Appellate Public Defender; Jason C. Pintler, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Lori A. Fleming, Deputy Attorney General, Boise, for respondent.

Before LANSING, Chief Judge, PERRY, Judge
and GUTIERREZ, Judge

PER CURIAM

April Cogswell was charged with three counts of forgery, Idaho Code Section 18-3601, and pursuant to a plea agreement, pled guilty to one count and the state agreed to dismiss the remaining counts. Cogswell was sentenced to a unified term of four years, with two years determinate and the district court suspended the sentence and placed Cogswell on probation for four years. Cogswell subsequently violated the terms of her probation and the district revoked her probation and ordered the underlying sentence into execution, but retained jurisdiction. After Cogswell completed her rider, the district court relinquished jurisdiction. Cogswell appeals, contending that the district court abused its discretion by revoking her probation.

It is within the trial court's discretion to revoke probation if any of the terms and conditions of the probation have been violated. I.C. §§ 19-2603, 20-222; *State v. Beckett*, 122 Idaho 324, 326, 834 P.2d 326, 328 (Ct. App. 1992); *State v. Adams*, 115 Idaho 1053, 1054, 772 P.2d 260, 261 (Ct. App. 1989); *State v. Hass*, 114 Idaho 554, 558, 758 P.2d 713, 717 (Ct. App. 1988). In determining whether to revoke probation, a court must examine whether the probation is achieving the goal of rehabilitation and consistent with the protection of society. *State v. Upton*, 127 Idaho 274, 275, 899 P.2d 984, 985 (Ct. App. 1995); *Beckett*, 122 Idaho at 325, 834 P.2d at 327; *Hass*, 114 Idaho at 558, 758 P.2d at 717. A decision to revoke probation will be disturbed on appeal only upon a showing that the trial court abused its discretion. *Beckett*, 122 Idaho at 326, 834 P.2d at 328.

Applying the foregoing standards and having reviewed the record, we conclude that the district court did not abuse its discretion by revoking probation and ordering into execution Cogswell's previously imposed sentence of four years, with two years determinate. Accordingly, the order of the district court revoking probation and ordering into execution Cogswell's sentence is affirmed.